

[The President]

[1st March 1934]

being ex-officio Members of the Committee. One of the Members of the Panel of Chairmen is to be nominated by me as a Member of the Committee. I fix 1 p.m. to-day as the hour within which nominations may be handed over to the Secretary.

"If the number of candidates nominated exceeds the number of vacancies to be filled, there will be an election between 4 and 5 p.m. to-day."

III.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS ELEMENTARY EDUCATION ACT, 1920 (BILL No. 2 OF 1934).

The Hon. the PRESIDENT:—"The consideration of Bill No. 2 of 1934 will now continue."

THE SCHEDULE.

Transitional Provisions.

MR. P. V. KRISHNAYYA CHODARI:—"I am not moving my amendment, under rule 7 (d), viz., in line 6 after the word 'office' substitute the words 'in both the district boards.'"

Rule 7 (g) (i).

* Rao Bahadur A. T. PANNIRSELVAM:—"Sir, the amendment of which I have given notice is:

'Omit "(g) (i) in rule 7 of the Transitory provisions."'

"My amendment will have the effect of removing the provision in the Bill as reported upon by the Select Committee, which enables the present president of a district board to continue as president of that portion of the board within which his constituency would lie. My idea is that, after the bifurcation, the present presidents go out of office and the boards get an opportunity of electing their own presidents. The reason is this: A person occupies the position of a president only on the ground that he commands the confidence of a majority of the Members constituting that board. That guarantee of his commanding the confidence of the majority in his board disappears, I submit, with the bifurcation or the division of the district board. I presume it would be almost impossible to so divide the board as to give the person presiding now to have a majority of supporters. The chances will be 50 per cent either way. He might, in the bifurcated board, have a majority, or he might not have a majority. And if he does have a majority, I think it would be the easiest thing for him to get himself re-elected; but if he does not have a majority, it would be unfair to him and unfair to the board over which he presides that he should be continued as president.

"One argument that has been advanced for retaining the present occupant of the presidential office is the trouble and the inconvenience of and the bad atmosphere, I may add, that is generally generated by an election. On the other hand, as against this, I have to point out that, if you retain as president, a person who does not command the confidence of the board as reconstituted, you will be making him face

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[Mr. A. T. Pannirselvam]

the alternative of a non-confidence motion. Between these two evils—the evil of an election and the evil of a no-confidence motion, the question for us to decide is, which is the greater. To me it appears, Sir, that the dangers attendant on a no-confidence motion, the bad blood, that is consequently created and the unpleasant atmosphere that is thereby introduced are very much greater than in the case of an election. Considering the advantages either way, I should certainly submit, Sir, that it would be conducive to the better administration of the local boards, if, on the bifurcation of these boards, all the presidents are asked to vacate their offices and seek election and secure the same if they command a majority in their own boards. It is on these grounds that I propose this motion.”

Mr. G. SIMHACHALAM PANTULU:—“ Mr. President, Sir, in rising to 11-15
support this amendment I have to say that it is not good from the a.m.
point of view of administration and policy that the person who happens to occupy the presidentship for the time being should be continued as president in the reconstituted district board. For more reasons than one, to ask him to seek re-election is good, as pointed out by the hon. the Mover. For it is very rare that these presidents who have already got themselves elected command the confidence of the board in which they may find themselves as presidents. So it is only to make the scheme unworkable and to make matters more complex, this provision has been retained. I therefore support the proposition that the presidential seat should be thrown open for election.”

Khan Bahadur MAHMUD SHAMNAD SAHIB Bahadur:—“ Sir, I do not think it is fair to ask a president who has been elected as president for a board for a period of three years, to get out after a year or so and seek re-election. The present arrangement is only a transitory one intended just to avoid all inconvenience and unpleasantness incidental to a re-election. So I oppose this motion.”

Mr. K. SINGAM AYYANGAR:—“ Sir, I have to oppose the motion because the Government have at present come to the conclusion that the presidents of district boards should continue in office and that in the case of the bifurcated district boards alone the presidents should seek re-election. No doubt the reasons advanced by Mr. Pannirselvam are very good. But at the same time I would not suggest that we should have re-election for both the boards.”

Rao Bahadur A. T. PANNIRSELVAM:—“ On a matter of personal explanation, Sir, I said that to begin with we shall retain the presidents of district boards which are not bifurcated, and that in the case of bifurcated district boards the presidentship shall be thrown open to re-election.”

Mr. K. SINGAM AYYANGAR:—“ So far as that is concerned, I have no objection, Sir. So Sir, I have no reason to oppose the motion.”

Mr. BASHEER AHMED SAYEED:—“ Mr. President, Sir, I do not see the legitimacy of the reasons that my friend wants to put forward in support of the proposition now under consideration. There seems to

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be no force in the argument that, because a person has continued to be the district board president—i.e., his having been elected by 52 members—he can continue to be the president. Again, Sir, simply because there is going to be bifurcation of a certain board and there is going to be a president elected for it, that is no reason why the president who has already been elected president by the whole body should also go out of office. It would be reasonable if all the members of the district board go out of office, and then there is election for the district board membership, and consequently re-election for the presidentship as well. But so long as a certain number of members continue to be members of the old board, although a few members may go out to constitute a new board, the *status quo* should prevail even though those who have elected him are now no more in office. I do not see any good reasons advanced in support of this motion. On the other hand it will be highly detrimental to the peace of the local boards once again to have an election eighteen months after the previous one, as it would interfere with public peace, bringing in its train several other things, of which only very recently we had sufficient experience. So I do not think it would be in the interests of the board, the public and the members of the district board that the presidentship of the old board should be thrown open for election. So I oppose this motion.”

Rao Sahib N. SIVA RAJ:—“ Mr. President, Sir; I do not think on principle anybody would take objection to the proposition now before the House. As regards the new board that is to be constituted, hon. Members have very little difference of opinion. It is with regard to the old board there is some difference. Mr. Basheer Ahmed says that the president of the old board may continue to be the president, since he has been elected by the whole body. On the other hand I fear that where a man has been elected by the whole board as president, he may not find in the new board his old supporters. Anyhow there is a lot to be said in favour of both. (Laughter.) But after all as this clause happens to be only a transitory provision, I do not think we need have any serious objection to support it.”

Mr. DANIEL THOMAS:—“ Mr. President, Sir, I am sorry I have to oppose this motion. (Laughter.) [Mr. A. T. Pannirselvam: ‘ You need not feel sorry for opposing it.’ (Laughter.)] Then, I am glad to do so. Sir, the hon. Mover has placed before us two alternative evils, namely, re-election and no-confidence, each having its own peculiar evil consequences. But one thing has to be borne in mind. According to the proposition of my hon. Friend in all district boards in which there has been bifurcation, as a matter of routine and necessity there will have to be election for both the boards. But so far as the no-confidence motion is concerned it is not in every case that this thing will happen. Again in the case of no-confidence motion the majority required is three-fifths. In view of these circumstances I beg to oppose the motion.”

* The Hon. the RAJA OF BOBBILI:—“ Mr. President, Sir, the proposition contained in the amendment of Mr. Pannirselvam was considered

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[The Raja of Bobbili]

in the Select Committee, which ultimately decided to stick to the original draft. No doubt it is logical, and so I do not on that score propose to oppose it. But what Government feel is that at a transitional stage it is desirable to cause as little disturbance as possible. The cases cited by Mr. Pannirselvam where presidents of old district boards, if retained, may not find adequate support in the new district board are quite true. But such contingencies will only be an exception and not the general rule. And we do not want to compel in such cases where a president does not want to continue as president to remain there. As I said, after all, this is only a transitory provision, and so I appeal to hon. Member not to press this motion."

* Rao Bahadur A. T. PANNIRSELVAM:—"I am glad that my amend- 11-30
ment has made hon. Members sitting opposite rise one after another in support of the Government's position. Just one word with reference to what my hon. Friend, Mr. Basheer Ahmed, said. I thought that in what I said in support of my amendment I made myself perfectly clear—at least from my own point of view I thought it was logical. I am sorry to find that he has not followed my argument. If he has followed my argument even a bit, he would have easily found why a member who is elected for a board consisting of, say, 52 Members could not continue as president after bifurcation. I must say that it is a simple matter of arithmetic and if he has bestowed a little thought over the matter he would have been able to see the fallacy of his own argument. Supposing in a board consisting of 52 the president was elected by 29 against 23 and this board of 52 is bifurcated and we find 26 people allotted to each district board, and supposing the 26 people that go over to the new board are out of the 29 people who gave their support to the president in the old board, I ask what would be the position of that president whom you want to shelter? As far as I can follow, the arguments of hon. Members who opposed my motion after all amount to one thing, viz., as to why we should disturb a certain gentleman who entered into his office with the expectation of continuing all through the full period of three years by reason of this Legislative Act. My reply will only be this: when taluk board presidents entered into their office, they stood for election at considerable expense and in the hope that they would continue for three years. When taluk board servants took up particular service, they thought that their services would not be disturbed, in the normal course of events, for their life and by this Act of Legislature we are disturbing them. We have no consideration for taluk board servants, we have no consideration for taluk board members or presidents. But then hon. Members of this House seem to be very solicitous, for reasons which it would be unnecessary for me to explain, about the sensibility of presidents of district boards being disturbed. Out of deference to the wishes expressed by the House and more particularly the appeal made by the Hon. the Chief Minister and with your permission, I withdraw my amendment."

The amendment was, by leave, withdrawn.

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* Mr. P. V. KRISHNAYYA CHOUDARI:—"I beg to move the amendment which stands in my name as follows:—

*"In lines 1 and 5 after the words "president" insert the words
"or vice-president"*

"and for the words "of the district board of which he becomes a member under clause (b)" substitute "of whichever of the bifurcated boards they choose."

"I move this amendment as a via media between the two points of view. So I request the Hon. House to adopt it. Before I do so, I shall give just a few reasons. The Hon. the Chief Minister in his statement just a few minutes back in reply to Mr. Pannirselvam said that he was not in favour of creating many changes in the present administration during the transitory period. The Hon. Minister's original idea was that the presidents and vice-presidents ought to continue. I do not know what made the Hon. the Raja Sahib to withdraw this concession in the case of vice-presidents alone.

"The second part of my amendment refers to the question of option that may be exercised by the president or the vice-president. I do not know which part of the amendment I can move, whether the first part or the second."

* The Hon. the PRESIDENT:—"The hon. Member may move both."

* Mr. P. V. KRISHNAYYA CHOUDARI:—"That is why I am talking on both the amendments. Thanks very much, Sir.

"Sir, as far as the Hon. the Raja Sahib is concerned his first thought was to leave the things as they are so far as this Act is concerned. But now on a second thought he has changed his views probably with regard to vice-presidents. If we had allowed the Bill without referring it to a Select Committee we might have got some benefit with regard to the various provisions in the Bill. After the report of the Select Committee he has not allowed the vice-presidents to continue. When the president who is elected by the same body is allowed to continue, I do not know the reason why the vice-president who is also equally elected by the same members of the board should be deprived of this opportunity. Now some hon. Members have stated that we must give some privilege for the election of new members and for the election of presidents and vice-presidents. If we want to give some privilege to the presidents, why should that be denied to vice-presidents? I want the Hon. the Chief Minister who opposed Mr. Pannirselvam's amendment to apply the very same reasoning that he applied in opposing his amendment with regard to my amendment and extend the privilege in the case of vice-presidents also. Several hon. Members who opposed the amendment of Mr. Pannirselvam are in favour of retention of presidents. So I request them to be in favour of the retention of vice-presidents also. I see no reason why we should make

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a difference between the president and the vice-president. So far with regard to the first portion of the amendment.

"With regard to the second portion of my amendment Mr. Pannirselvam has explained lucidly about the no-confidence motions, etc. Now to avoid the trouble of no-confidence motions, I have submitted to this House a solution. The presidents and the vice-presidents can have the option of choosing as to which of the bifurcated boards they want to become presidents or vice-presidents. For example the presidents in order to get voting strength for themselves may choose to get as many members as possible to their sides. For that reason they may go to a corner place where there is not so much opposition to them, and make themselves happy. But in another portion they may not have good support to run the administration smoothly. Now to avoid such contingencies if we give option to the presidents and vice-presidents to choose whichever boards they like, it would be in the interests of proper administration. It is the duty of the Government to avoid trouble as much as possible. If they do not accept this amendment, they will be courting trouble. Supposing a board has got 52 members which is divided into two. In a particular board to which the president is returned as a member he may not have sufficient strength to support him but in the other board where he has not got a seat he may have sufficient strength to carry on the administration smoothly. In the Select Committee we have removed the disqualification on account of their residence both in the case of members and presidents. That will itself be a great facility for the president even though he happens to be a member of a board of a particular area to get the presidentship of the other board. With these few words I appeal to the Hon. the Chief Minister to accept my amendment."

Rai Sahib C. KOLANDA REDDI:—"I have been wondering as to why there should be this invidious distinction made between president and vice-president. For the matter of that the vice-president is elected in the same manner as the president. In fact they hold the same status. Recently the Government removed the distinction that was observed in respect of travelling allowance too. So, as I have already said, I was wondering all the while as to why they proposed to chuck out the vice-president and retain the president. After a laborious search, I stumbled upon the reason, and that is, there was absolutely no representative on behalf of these poor vice-presidents on the Select Committee and worse still, in the whole House. That is the only reason, if reason it were for drawing a distinction between presidents and vice-presidents. It is neither morality, nor justice, nor fairness to treat the vice-presidents like that. Without dilating further on this matter I propose that no distinction should be drawn between presidents and vice-presidents after the introduction of this Act. So I have tabled the amendment which runs as follows:—

"After the words "The president" insert the words "and the vice-president" and after the words "be the president" insert the words "and the vice-president" and for the words "he becomes a member" substitute the words "they become members" and alter the other concerned rules accordingly."

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* The Hon. the PRESIDENT:—"He need not move his amendment separately, because it is similar to Mr. Choudari's."

* Rai Sahib C. KOLANDA REDDI:—"Very good, Sir, I follow your advice. I second the amendment moved by my hon. Friend Mr. Choudari."

* Mr. T. C. SRINIVASA AYYANGAR:—"I support my hon. Friend, Mr. Choudari. The amendment of my hon. Friend consists of two propositions, viz., that instead of the president alone, as provided by the report of the Select Committee continuing in office even after bifurcation, the vice-president also may be allowed to continue in office instead of creating confusion by throwing open the office of vice-presidents alone for election. All the reasons that the Hon. the Chief Minister adduced, viz., that during the transitory period there should be no dislocation and as much as possible the *status quo ante* should continue apply equally for this purpose also. Therefore I support the first part of the amendment.

"As regards the second part of the amendment it appears to me that there is an inconsistency between clause (b) of rule 7 and the amendment.

11-45
a.m.

"By clause (b) of rule 7 it is provided that the president or vice-president can belong only to that board within whose jurisdiction the circles they represent are situated. Therefore the president or vice-president cannot choose to be the president or vice-president of the board within whose jurisdiction the circle they represent are not situated. Therefore the latter portion of the amendment does not seem to be quite in order. I would request you, Mr. President, to put the two parts separately to the vote of the House."

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, the arguments that have been advanced by Mr. Srinivasa Ayyangar are certainly very wholesome. He has said what I myself wanted to suggest, namely, that there is a difference of opinion even among the supporters of the first part of this amendment. If the whole amendment is put to vote, there will be some difficulty. Therefore, I also suggest that the two parts might be put to vote separately.

"With regard to the first part of the amendment, I wish to point out that the Hon. the Chief Minister advanced the argument a little while ago that it was the intention of the Government not to create any unnecessary disturbance in the existing conditions and therefore the president of the existing board should be the president of one of the bifurcated boards. The same argument can equally forcibly be advanced with regard to vice-presidents also. I have not so far heard any argument for disturbing the vice-president while retaining the president. If the Government want not to disturb the president, I do not see why the vice-president should be disturbed and fresh election

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held in his case. All the troubles of an election will have to be undergone by the new district boards if the vice-presidents are to be disturbed and fresh elections held. If the Hon. the Chief Minister had proposed that the vice-president should be the president of the new board, and the president should be the president of the existing board, we would have understood him. Evidently he has not done so and does not propose to do so. Such being the case, I hope, Sir, that the Hon. Minister would agree to this proposition which is supported by his own logic and not disturb the existing vice-presidents from their places."

Mr. R. M. PALAT:—"Mr. President, Sir, as Mr. Hameed Khan has said, it is better to put these two propositions to vote separately. I want to say a few words on the second proposition put forward by Mr. Krishnayya Choudari, namely, that the president should be allowed to choose whichever board he likes after the board is bifurcated. When he puts forward that statement, I think he forgets that the constituency from which the president has been elected as a member will be disfranchised if the president chooses to be the president of the other board within whose jurisdiction his constituency is not situated. It will be unfair to that constituency not to have a member of its own on its own board and allow its representative to go to another board which does not administer the affairs of the board of which that constituency forms part. I submit, therefore, that on principle, it is wrong to allow the president to choose whichever board he likes. He must be made to stick to the board within whose jurisdiction his constituency lies."

Mr. DANIEL THOMAS:—"Mr. President, Sir, reason and logic are quite as much in favour of the vice-president as in favour of the president. Every one of the arguments advanced by both sections of the House in support of the proposition that the president of a bifurcated district board should not be disturbed applies with equal force and cogency to the case of the vice-president also. If the Government were to say that the president alone was not to be disturbed, while the vice-president might be asked to seek re-election, it would appear as though the Government wanted to conciliate the big-wig of a district board president while they were prepared to throw the underdog of vice-president to the wolves."

Mr. K. P. RAMAN MENON:—"Mr. President, Sir, I too suggest that the two parts might be put to vote separately. The first part of the amendment seeks to confer on the vice-president the same privileges that are conferred on the president. As has been pointed out by several hon. Members, all the reasons that go in favour of the president apply equally to the case of the vice-president also. There is also this further fact to be borne in mind. In some boards, to avoid friction and faction, arrangements are arrived at by which a prominent member is given the president's place and another prominent member, perhaps

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a little less prominent than the other, is given the vice-president's place. If this sort of arrangement among the members is sought to be respected in the new enactment so far as the president is concerned, there is no reason why that should not be respected even in respect of the vice-president. That is another reason I would advance in support of the suggestion to extend this privilege to vice-presidents also. With reference to the second suggestion put forward by Mr. Choudari, no doubt there will be the difficulty pointed out by Mr. Srinivasa Ayyangar, but that can be got over if an amendment is moved to Mr. Choudari's amendment, namely—

'Add at the end of the words, "notwithstanding anything contained in rule 7 (b)."'

Then there will be no inconsistency whatsoever. With your permission, Mr. President, I move the amendment."

Mr. G. R. PREMAYYA:—"I second it."

* Mr. P. V. KRISHNAYYA CHOUDARI:—"I accept the amendment."

* The Hon. the RAJA OF BOBBILI:—"Mr. President, Sir, as regards the first part of the amendment, I have to point out that it was the intention of the Government to give this protection to the district board president only. But in the drafting of the Bill, by an oversight vice-presidents also were included. Of course, the objection from my point of view is this. In a bifurcated district board, the vice-president and the president may belong to different district board areas. Therefore there would not be that amount of co-operation between the president and the vice-president which is necessary and desirable in the interests of the administration. I have therefore to oppose the amendment. As regards the second part of the amendment, on principle it is objectionable that a member who does not represent a constituency in the district should be the president of that district board. And, as has been pointed out by Mr. Srinivasa Ayyangar, such a course will be inconsistent with the main provisions of the Act. I therefore oppose both parts of the amendment."

* Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, the Raja Sahib said that it was not the intention of the Government to include the vice-presidents also and that it was only by oversight that they were included in the Bill. Perhaps that shows that justice demands that vice-presidents should get the same privileges as presidents, and at least for that reason, the Raja Sahib might have allowed the clause to remain as it was, even though it was against his wishes.

"With regard to the second part of it, when we have provided that the president should be at the district headquarters and removed the residential qualification so far as members are concerned, when we have accepted amendments to that effect, I do not see why we should not accept this amendment also. I request the Hon. the Chief Minister to accept the amendment permitting the president to choose

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the board in which he has a majority. Otherwise, suppose in the board in which he has to be the president, there happen to be only ten members supporting him and twenty members opposing him. Although the Government make him the president of the board, the board may remove him the very next month by passing a motion of no-confidence against him. Not only that, the other board in which he has got a majority of supporters would have elected another president of its own by the time he is removed by a no-confidence motion in the other board. Thereby, he will be deprived of an opportunity to be president of either board. Considering this aspect of the question, I request the Hon. the Chief Minister to accept my amendment. So far as the objection raised by Mr. Srinivasa Ayyangar is concerned, it can be overcome by the amendment proposed by Mr. Raman Menon. Therefore there will be no technical objection to the amendment. For these reasons, I request the Hon. Chief Minister once more to accept the amendment."

Rai Sahib C. KOLANDA REDDI:—"Have I got a right of reply, Mr. President?"

* The Hon. the PRESIDENT:—"No.

"I shall put the first part of Mr. Krishnayya Choudari's amendment to vote.

"The question is that—

In line 1 and 5 of rule 7 (g) (i), after the word 'president' insert the words 'or vice-president.'"

The amendment was declared lost. A poll was demanded and the House divided thus:—

Ayes.

1 Dr. P. Subbarayan.	14 Mr. M. S. Sreshta.
2 Mr. T. C. Srinivasa Ayyangar.	15 " P. V. Krishnayya Choudari.
3 " T. S. Ramaswami Ayyar.	16 " C. Indrayya.
4 " V. T. Arasu.	17 " J. Kuppuswami Choudari.
5 " A. B. Shetty.	18 " H. B. Ari Gowder.
6 " Abdul Hameed Khan.	19 " G. R. Premayya.
7 " Basheer Ahmed Sayeed.	20 " P. M. Thangal.
8 " U. C. Subrahmanya Bhatt.	21 Rai Sahib C. Kolanda Reddi.
9 " K. A. Nachiyappa Gounder.	22 Mr. B. P. Sesha Reddi.
10 The Pattagar of Palayakkottai.	23 " G. Lakshmana Reddi.
11 A. M. Ahmed Meeran Sahib Bahadur.	24 " Daniel Thomas.
12 Mr. K. P. Raman Menon.	25 " G. Simhachalam Pantulu.
13 Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.	

Noes.

1 The Hon. Khan Bahadur Sir Mahmood Usman Sahib Bahadur.	3 The Hon. Sir Archibald Campbell.
2 " Diwan Bahadur Sir M. Krishnan Nayar.	4 " Diwan Bahadur S. Kumaraswami Reddiyar.
	5 " the Raja of Bobbili.
	6 " Mr. P. T. Rajan.

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Noes—cont.

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| 7 Mrs. K. Alamelumangathayaramma. | 24 Mr. P. C. Moses. |
| 8 Diwan Bahadur V. N. Viswanatha Rao. | 25 „ P. V. Rajagopal Pillai. |
| 9 Mr. J. A. Thorne. | 26 „ V. G. Vasudeva Pillai. |
| 10 „ H. M. Hood. | 27 „ W. P. A. Soundarapandian. |
| 11 Diwan Bahadur N. Gopalaswami Ayyangar. | 28 „ P. Bayappa Reddi. |
| 12 Mr. R. Madanagopal Nayudu. | 29 „ P. K. Ramachandra Padayachi. |
| 13 „ E. Conran Smith. | 30 Rao Sahib V. Dharmalingam Pillai. |
| 14 Khan Sahib Syed Tajuddin Sahib Bahadur. | 31 The Kumararaja of Venkatagiri. |
| 15 Mr. M. D. T. Ranganatha Mudaliyar. | 32 The Zamindar of Mirzapuram. |
| 16 Rao Bahadur A. T. Pannirselvam. | 33 Mr. M. A. Muthiah Chettiyar. |
| 17 Mr. K. C. M. Venkatachala Reddiyar. | 34 „ K. M. Duraiswami Reddi. |
| 18 „ G. Ranganatha Mudaliyar. | 35 Rao Sahib P. Subrahmanyam Chetti. |
| 19 Khan Bahadur Yahya Ali Sahib Bahadur. | 36 Mr. H. M. Jagannatham. |
| 20 Mr. M. Devadasan. | 37 Rao Bahadur D. Krishnamurti. |
| 21 Subadar-Major S. A. Nanjappa Bahadur. | 38 Rao Sahib C. Jayaram Nayudu. |
| 22 Mr. M. Vedachala Mudaliyar. | 39 Diwan Bahadur A. Appadurai Pillai. |
| 23 „ G. Sriramulu. | 40 Rao Sahib D. V. Narasimhaswami. |
| | 41 Mr. A. Harischandrudu Nayudu. |
| | 42 „ K. Kesavaramamurti Nayudu. |
| | 43 Rao Bahadur C. Natesa Mudaliyar. |
| | 44 Mr. Basu Dev. |
| | 45 „ R. M. Palat. |
| | 46 The Raja of Parlakimedi. |
| | 47 Mr. A. McG. C. Tampoe. |

Neutral.

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| 1 Mr. V. M. Ramaswami Mudaliyar. | 4 Diwan Bahadur S. Ellappa Chettiyar. |
| 2 Khan Bahadur Mahmud Schamnada Sahib Bahadur. | 5 Mr. V. P. Narayanan Nambiyar. |
| 3 Mr. M. B. Rangaswami Reddi. | |

Ayes 25. Noes 47. Neutral 5.

The amendment was lost.

* The Hon. the PRESIDENT:—“The question is—

‘and for the words “of the district board of which he becomes a member under clause (b)” substitute “of whichever of the bifurcated boards they choose, notwithstanding anything contained in rule 7 (b)”’.

The amendment was lost.

Rao Bahadur A. T. PANNIRSELVAM:—“Sir, when I gave notice of my last amendment I anticipated the decision of the House and therefore I gave notice of this alternative^a amendment also, because it seemed to me that this would naturally and logically follow from

Rule 7 (g).

^a Rao Bahadur A. T. PANNIRSELVAM:—

54 Renumber sub-clauses (ii) and (iii) as sub-clauses (i) and (ii) and omit from sub-clause (i) so renumbered, the following words:—

“where by the operation of sub-clause (i) no person becomes the president of a district board.”

If this should not be carried, omit from sub-clause (i) as so renumbered the words from ‘the members of the board’ to the end and substitute the following:—

“The Local Government shall nominate a president from among the members of such board.”

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the decision which has been arrived at over the last amendment which I moved. But seeing that in all matters pertaining to the present district board presidents and prospective candidates for presidentship, logic and argument do not appeal to this House, I do not move this amendment."

Rule 7, as amended, was put and carried.

Rule 8.

* Rao Bahadur A. T. PANNIRSELVAM:—"Sir, the amendment I have given notice of is this and I move it:—

'54-A. For rule 8 of the schedule substitute the following:—

"The officers and servants of the taluk and district boards in each district, shall, at the commencement of this Act, be deemed to belong to a single district establishment for the purpose of fixing, under the provisions of sub-section (3) of section 67 of this Act, the number, designations and grades of the officers and servants of the district board or boards re-constituted in each district and such persons as may be thrown out of employment shall, subject to such directions as may be issued by the Local Government, have preference in future appointments under the district and panchayat boards so long as such persons desirous of such preference are available and continue to be qualified and suitable for the posts."

"My amendment is merely this; according to the Bill, as reported on by the Select Committee, the moment this Bill comes into force all persons who are serving under the various taluk boards will be automatically thrown out of office, whatever period of service they may have put in, whatever may be the scale of pay they may be drawing and whatever inconvenience they may be put to. On the other hand, the latest recruit to the district board service who might be very much younger than members of the taluk board service, who may be an acting clerk on the lowest scale of pay and quite a young man and who can seek out his service elsewhere,—would be perfectly safe. My amendment aims at equalizing things between the servants of the district boards and those of the taluk boards. In considering the merits of the amendment of which I have given notice, it might perhaps be better to trace the history of local board services. It is only during the last ten years or a little over ten years that local boards have come under non-official management and superintendence. Previous to that, the district board was presided over invariably by the Collector of the district and the taluk boards in almost all cases by Revenue Divisional Officers. The persons serving the various local boards were under the control of the Collector in his capacity as president of the district board. But for all practical purposes, it was almost a quasi-Government service. It was nothing unusual for persons who have put in some service in a district board, to be drafted into regular Government service and promoted in

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the usual course, taking into account the service they have put in district boards. To-day there are men acting as senior tahsildars and deputy collectors, who began service as Rs. 15 clerks under the district board, and people who entered the district board service or the taluk board service in those days, do still continue to serve under the district boards in certain other cases. Therefore in the case of people who entered the local board service, say, about 15 years ago, or a little over that, entered service in the hope and with the prospect and advantages of getting into Government service. When the local boards were transferred from official control to non-official superintendence, local board service was, so to say, put into a separate compartment altogether. The prospect of entering Government service with its greater advantages was removed from them. But apart from this, so far as I know we have not been treating the district board service as something distinct from the taluk board service. Any change of service between the various boards in one district was no uncommon event. As a matter of fact, under the rules regulating the recruitment of servants to local boards—in the case of appointments carrying a scale of pay beyond Rs. 50 though the men had to serve under a taluk board, the appointment had to meet with the approval of the district board president, even in cases of original recruitment. Cases again are not wanting of young men who have put in five or six years of service and who have no immediate prospect of promotion in district board service, volunteering or sometimes even being directed to come over from district board service to taluk board service because of better prospects there. So far as the district of Tanjore is concerned, most of the head clerks now working in the various taluk boards were really men who entered service under the district board or who had been trained in the district board; either they volunteered or they were asked to be sent out because of exigencies of the situation, as head clerks of taluk boards. For all practical purposes, service under district boards and service under taluk boards have always been treated as belonging to one unitary service. It seems to me that, after having listened to the last sermon about the sanctity of pledges of employers to servants, by the Finance Member in his Budget speech, we should view the case of these servants who are going to be thrown out of employment for absolutely no fault of their own and with hardly any notice, with as much sympathy and consideration as possible. I do not advocate that they should be retained even if we find that there are no places for them. But then we are creating a situation which deprives them of the places which they are now occupying. Though this consequence may be quite inevitable—consequence of the action we take in the larger interest of the country—it seems to me that we should treat their cases as sympathetically as possible. Some of the advantages, the more immediate advantages which would accrue from accepting my proposition would be this. If you send out all taluk board servants on the coming into force of this Act, you will be sending out men, men with large responsibilities, with big families, men who had absolutely

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no danger of the future even at the commencement of this year, men who could not turn to any other avocation at this age of their lives. You will be turning them out. On the other hand, if you accept my proposal you will be retaining these men who have put in long service, who are drawing salaries of 80 or 90 or 100 rupees and you will be sending out—if you send them out at all—naturally younger men whose services in the ordinary course of events, would not exceed three years; we are making provision for taking them at as early a date as possible. I hope the Government would certainly act in such a manner as not to leave it to the whims and caprices of district board presidents but to regulate it by rules in such a manner that those persons would be absorbed at as early a date as possible. I ask hon. Members of this House to consider the matter carefully; they should send out persons who are not fairly advanced in age and who are not getting fairly high pays and who have got minimum demands on their purse; we can ask them to be away for a few months; they will of course get places in the district board in a short period. But men who are advanced in age and who have great responsibilities cannot certainly afford to wait even for a few days in a year. Considering the inconvenience which we are causing to these two sets of persons, I do certainly think that the argument would be in favour of my proposition being accepted. I am sure, Sir, that whatever decision the Select Committee might have come to on this matter, apart from the logic of the situation, I would merely close with the hope that a sense of fairness, a ¹²⁻¹⁵ sense of justice and may I say, Sir, a sense of mercy would actuate ^{P.M.} our attitude towards these people who will be thrown out of office."

* Mr. M. DEVADASAN:—"Mr. President, Sir, in seconding the amendment of my hon. Friend, Mr. Pannirselvam, I would like to say a few words about the employees of taluk boards who are going to be thrown out of their employment."

* The Hon. the PRESIDENT:—"The hon. Member may speak louder."

* Mr. M. DEVADASAN:—"I hope the Hon. the Chief Minister will consider the points that have been explained by the hon. Mover and accept the amendment without any difficulty. I understand that the taluk board employees waited in deputation upon the Hon. the Chief Minister and represented to him their grievances."

* Mr. C. BASU DEV:—"Mr. President, Sir, in rising to support this amendment I do not think I can add anything to the very exhaustive and eloquent arguments advanced by one who has served as president of a district board for several years with such great credit as my hon. Friend, Mr. Pannirselvam. But I would like on this occasion to make one or two observations, that is, the employees of the taluk boards and the employees of the district boards should all be recognized as servants of the same district board and liable to the same joys and sorrows. Before I say anything further, let me not

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be understood as in any way standing in the path of reforms of the local self-government institutions because of the unhappiness or discomfort of a few hundred employees spread over the Presidency. Wherever it is possible to help these employees, I would earnestly appeal to the Government to extend their sympathy and kindness and render them effective protection and help.

“ Sir, I understand that the taluk board employees as well as the district board employees are all members of the same common district provident fund institution. I also learn that some of the taluk board employees were some time back servants of the district boards and some of those were transferred from the district boards to taluk boards against their will by the district board presidents. Till the year 1932, presidents of district boards had full power to transfer the servants of not only district boards but also servants of taluk boards from one place to another or from one board to another board. As a matter of fact recently the Government contemplated forming district units for these employees but did not pursue the matter further on account of the adverse attitude of the district board presidents. In these circumstances, it will be a great hardship, if the Government should fail to recognize the common employer, the district board, which all these employees have been serving. My Friend, Mr. Pannirselvam, referred to the kind and sympathetic solicitude of the Hon. the Finance Member in regard to Government servants and I am sure that that solicitude represents the attitude of the whole Government. I hope that the Hon. the Chief Minister who is in charge of local self-government institutions and their employees will also extend to them that sympathy in the same measure and concede to the taluk board employees the rights that are enjoyed by their brethren employed in the district board. This amendment only asks that they should be treated in the same manner as the employees of district boards and I do not think the taluk board employees are asking for anything more than the barest justice. The Hon. the Minister may say that instead of one particular set of people suffering, you want that another set of persons who are not for the present affected should be affected, but I have already answered that probable argument by saying that the taluk board employees as well as those of the district board are employees of the same local fund service of the district and should be equally liable to the same privileges and liabilities. With these few words, I have great pleasure in appealing to the Hon. the Chief Minister to accept the amendment.”

* The ZAMINDAR OF MIRZAPURAM:—“ Mr. President, Sir, I rise to support the amendment of my Friend, Mr. Pannirselvam. I think it is only fair that the taluk board servants and district board servants should be treated alike. Till recently, the presidents of district boards had power of transferring these servants of local boards from one taluk board to another even against their will. There are some taluk board servants who have been drawing higher salaries than some of the

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servants of the district board and it would be very hard if all the taluk board servants should be asked to vacate their offices and go away at this juncture especially after they have put in many years of service in the local boards. Sir, taluk board servants should be given the same treatment as those of the district board. I know, Sir, recently in my district some of the clerks of the district board were sent to some of the taluk boards and now because they are at present in those taluk boards, unfortunately they have to lose their appointments. If the Government are not prepared to accept this very reasonable amendment, I request that Government will at least see that all the acting people in the district board service and those persons whether they were confirmed or not within a period of about one year, are sent away and all the taluk board servants who have put in longer service, are absorbed in the district board service and thus help the poor servants of the taluk boards. By means of this amending Bill, we are in a way dissolving both the district and taluk boards and I do not see any reason why the taluk board servants alone should be given a different treatment from those of the district board. Of course the transitory provisions in this amending Bill give power to the Local Government to frame rules and give directions to the district boards concerned for appointing new clerks after the commencement of the new Act. So far as my district is concerned, Sir, I know several cases where the district board president has appointed clerks even in anticipation of sanction of the district board, and now if these clerks also are given the same treatment as other servants of the district board, it would be most unfair. I therefore request the Hon. the Chief Minister to see that justice is done to the clerks of the taluk boards that are going to be abolished. With these remarks I heartily support the amendment of my Friend, Mr. Pannirselvam."

* Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I have also great pleasure in supporting the amendment moved by my hon. Friend, Mr. Pannirselvam, for the reason that we should try to make the local board services as one unit of the district instead of keeping separate services as district board service, taluk board service and so on. Now, section 71 of the Local Boards Act provides for the transfer of the members of the establishment of the taluk board to the district board and vice versa, though about two years ago, Government have issued an order restricting district board presidents not to make such transfers without previous consent of the concerned taluk board presidents. As a matter of fact, when I was president of the taluk board, I sent one inefficient clerk from my taluk board office to the district board office and took instead an efficient clerk. Now according to this rule, that poor efficient clerk in whom I had confidence, will be deprived of his job, whereas the inefficient clerk whom I sent will be benefitted. Again that clerk who has put in some 10 or 12 years of service in the district board, simply because he happens to be employed at present in the taluk board will have to suffer on account of this

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legislation. It is really a great injustice to such persons. Considering all these anomalies, and considering also the qualifications, efficiency, communal representation and security of tenure, I request the Hon. the Chief Minister to see that all these services are considered as one unit of district board administration. Now, there are some people who have put in a service of about 25 or 27 years who are eligible to full pension on account of their past service and there are also others who though they are not eligible to pension, they have got their provident fund and if they put in some more years of service they will become eligible to full bonus of the provident fund. I suggest that these might be made to retire, even by giving the full pension or bonus to which they are entitled after a service of 25 years.

“Then again, Sir, the Hon. the Chief Minister stated yesterday that persons belonging to the education and medical branches of the taluk board will be provided in the district board. I do not know whether the district boards will actually take persons serving in those departments and those paid from the Elementary Education Fund are going to be taken on to the district board or whether they are going to take the concerned clerk from the taluk board and these are matters which have to be elucidated by the Hon. the Chief Minister. For instance if the clerk who has been in charge of the Elementary Education Fund in the taluk board for the last several years, is not taken over to the district board, it will be another trouble. Instead of giving room for all these complications, it would be better if the whole local board service is made into one unit and people are discharged in the order of service. This procedure seems to me to be a more reasonable one to follow. As the Raja Sahib of Mirzapuram has stated that people who have put in two or three years of service and who are acting in the district board have to be continued and that the people who have put in 20 years or 15 years service in the taluk boards have to be discharged it is nothing but cruel. But though the Raja Sahib has stated that it should be only for a period of one year, I am not in agreement with the last portion of what he said, because it is more personal I think. Because he has vacated his seat about a year or a year and a half ago, he has put in the last portion as one year. But I am not in agreement with that. But I agree with the general principle enunciated, that is, people who have put in a few years service can be discharged and those who have served for long periods in the taluk boards can be retained. I would request my hon. Friend, Mr. Pannirselvam, to also add communal representation. If he has not got any objection and if the Chair permits me, I will add that amendment, instead of moving my amendment No. 59 lower down, because all these amendments contain more or less the same principle. I just want to know the opinion of the Chair whether this can be added to the present amendment.”

* The Hon. the PRESIDENT:—“The hon. Member may draft an amendment and hand it over to me.”

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* Mr. V. P. NARAYANAN NAMBIYAR:—“ Mr. President, I rise to give my fullest support to the amendment that has been moved by my hon. Friend, Mr. Pannirselvam. The amendment embodies but a reasonable demand of the taluk board employees. A very sad aspect of the abolition of the taluk boards is the possibility of a large number of men who have served local bodies honestly, efficiently and well for many years being thrown out of work. In these days of acute economic depression and large unemployment, a special responsibility rests with this House to deal with the fate of the employees with sympathy and care. These unfortunate employees have to go for no fault of theirs.

“ Apart from the above humanitarian reason, the history of the local bodies as narrated by my hon. Friend, Mr. Pannirselvam, makes it clear that there is no point in differentiating between taluk board employees and district board employees. My hon. Friend, Mr. Krishnayya Choudari, a former taluk board president, has frankly owned that he had during his regime as a president sent an inefficient clerk to the district board and got from the district board an efficient clerk for his taluk board. We do not know how many more taluk board presidents would thus have contributed to the inefficiency of the district boards. Anyway, the fact remains that interchange of clerks is also a question to be borne in mind. Persons who have served district boards well for a long number of years and who were sent for the more efficient work of taluk boards to those bodies to be now told that the two services cannot be treated as one is indeed to be unfair and unjust to them.

“ Reliance has been placed by my hon. Friend, Mr. Pannirselvam, also, on the observations of the Hon. Gentleman, the Finance Member, regarding the security of tenure of employees. That too should be taken note of in arriving at a decision in the matter.

“ Sir, my hon. Friend, Mr. Pannirselvam, has also pointed out that in case it is not possible to absorb all the employees at once the amendment suggests preference being given to persons thrown out whenever vacancies occur in future. That also proves the demand is absolutely reasonable and I support the amendment.”

* Rai Sahib C. KOLANDA REDDI:—“ Mr. President, Sir, it is said in many quarters that this Bill is a harbinger of a crop of evils and I am afraid this throwing out of employment of the taluk board staff appears to be the worst of these evils. Now, Sir, we all crave for democracy. We have been pining for democracy because we believe that democratic government will be human and humane. And we want to slip away from bureaucracy for the obvious reason that it is supposed to be a machine sans feeling, in short sans human touch about it. But unfortunately here we have democracy and in the fair name of democracy we are sacrificing so many individuals by one stroke of the pen. In these hard times, it is terribly hard for these poor people who have

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been in the employ of these taluk boards for years together, almost throughout their lives and without any other avocation or any other means of subsistence, now to be all on a sudden thrown out of employment. Some consolation is offered by a provision in this Bill that if they go on waiting and waiting, God knows how long, perhaps until the Greek calends, a day will come when they will be taken up either by the district board or any panchayat board. And this is more or less adding injury to injury. When they are asked to wait, it is not known what they are expected to do during the waiting period. Perhaps they may be willing to obey the orders of the Government, and may wait, but will their bellies wait too, I wonder? So, it is rather unfortunate that such a proposal should emanate from the Government. Now, Sir, my idea is that these people who are all thrown out may be merged or absorbed in the district board staff and then retrenchment may be effected according to seniority, efficiency, communal rotation, etc. That will be some consolation. Instead of that, throwing out all these people who have put in service of about 20 years or less and for absolutely no fault of theirs, asking them to wait and wait is *reductio ad absurdum*. It is a well-known fact that the district board presidents were equipped with power until recently to appoint clerks on more than Rs. 50 per month and transfer them from the district board to taluk boards or to make inter-board transfers, that is, from one taluk board to another. Now under this power, these presidents have sent away people from the district board to various taluk boards of course in the interests of efficiency or it may be for some other reasons. But whatever it may be, there the fact remains that many of these head clerks in the taluk boards belonged originally to the district board, and those people came to the taluk board not *suo motu* or willingly. Even against their consent some of them were transferred to the taluk boards. Now, Sir, if at all anybody is to blame for their remaining in the taluk boards, it is the district board president concerned. And I should like to know why for the folly of the district board president concerned these men are made to pay the penalty. So, looked at from all points of view, it is rather inhuman that such a large number of people who have no other means of subsistence should be asked all on a sudden to quit service for good. I am very glad to see, Sir, that at least in this respect myself and my friend, the Zamindar of Mirzapuram are in agreement. ('Hear, hear.') At least for this, I earnestly request the Government to adopt the amendment given notice of by me, that is, to add the following paragraph at the beginning of rule 8 of the Transitory provisions:—

'The staff of the abolished taluk boards shall be absorbed in the staff of the district board and retrenchment shall be effected according to seniority.'

Of course, you may add communal rotation also. So I think this appears to be the panacea for all the evils that are engendered in this respect by this Bill. Therefore in the name of democracy and in the

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name of humanity as well, I hope and trust that the whole House, irrespective of parties, will join with us, the Movers of this amendment, and help the poor employees of the taluk boards out of the present dilemma."

* Khan Sahib SYED TAJUDDIN SAHIB Bahadur:—" Mr. President, Sir, this motion has already been discussed threadbare on the floor of this House. Prominent members of this hon. House, members who are competent to express an opinion on this subject have already advanced cogent reasons on behalf of the taluk board employees. Therefore I have very little to add on this subject. But yet, if I rise to speak or to offer a few remarks, it is only to express my opinion according to my fullest support in favour of the employees of the taluk boards. Mr. President, these employees are interchangeable from district board to taluk board, and from taluk board to district board. This is the only point I wish to impress upon the House. When such posts are interchangeable, where is the justification for turning these poor employees out of employment? I believe that all sections of this House have already been convinced of the justice of the cause of these poor taluk board employees.

" And I know, Sir, that the milk of human kindness is not curdled in the breast of the Hon. the Raja of Bobbili, the Chief Minister in charge of this portfolio. He will, I hope, do his utmost to save these unfortunate beings from the clutches of misfortune. Sir, it will be a very great hardship if these poor employees are made the scapegoats for the financial stringency whatever it might be. They are not responsible directly or indirectly for this financial strain and why should they be sacrificed on that ground? Administration might be faced with grave financial considerations. But at no cost should these poor employees be turned out of service. On the other hand, they ought to be saved from this predicament as they are not responsible for any financial strain. I, therefore, Sir, have got very great pleasure in supporting the motion before this House."

* B. POCKER SAHIB Bahadur:—" Mr. President, Sir, I have no doubt that it is my duty to oppose this amendment and that too strongly. I am afraid that the Mover of this amendment and those who have spoken in support of it have not considered another aspect of the question which they ought to have taken into consideration. The result of the section as it stands and as passed by the Select Committee is that the persons who are thrown out of employment by the abolition of the taluk board, will be preferred in the matter of employment of new hands in the district board according to such principles as the Government may prescribe. The result of this amendment is that both the present employees of the district board and the present employees of the taluk board should be taken as one unit and when the taluk board is abolished, the juniormost people out of the joint number consisting of the employees of the district and taluk boards should be sent away according to some principle or other. The result is that the seniormost

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employees of the district board and the seniormost employees of the abolished taluk boards will be there and the juniormost employees of the district board and the taluk boards will all be thrown out of employment. I certainly do feel as strongly for the people who are to be thrown out by the abolition of the taluk board as the hon. Mover and other supporters of the amendment. But, at the same time, one has to take into consideration what its effect is upon others who are already employed in the district board. It is the district board that is retained and it is the taluk board that is to be abolished. The result of the amendment is, as a result of the abolition of the taluk board, some of the staff of the district board which is not abolished are to be sent away. I shall use the very same phrase which the hon. Mover and some others have used. They are being sent away for no fault of theirs. The juniormost employees of the district boards are to be sent away, not only for no fault of theirs, but for no fault of the district board too, because their board has not been touched, but still they are to go out. I do not know, Sir, what is the principle of fairness or justice underlying in sending away number of employees from the district board which is not abolished simply because some other body has been abolished. There is absolutely no justice in sending away people from the staff of the district board which has not been touched by the Bill. After all, what is the reason alleged? The reason is that once upon a time the employees of the taluk board and the district board formed one unit called 'Local Fund Service.' Even that is questioned by Mr. Schamnad, who knows more about it than myself and who is himself the president of a taluk board. I can also say that he has spent his whole life in the administration of local bodies. It is not just or proper to do anything which will have the effect of sending away some of the staff of the district board which has been left untouched by this Bill. Therefore, I say there is absolutely no justice in proposing this amendment. In fact, I do feel that the amendment has been proposed on account of the many representations made by the taluk board employees—I too have received ever so many representations as several Members of this House—resolutions passed by the taluk board employees. The reason why the district board employees have kept quiet is that they know nothing about it. They are in the dark about this amendment. According to the Bill as it has come out of the Select Committee, they are absolutely clear that their position will be left unaffected. It will be a stab from behind so far as the employees of the district boards are concerned, if we are to pass this amendment. Because one fine morning they will find that they will be sent away. The taluk board staff have had sufficient notice. The proposal for the abolition of the taluk boards and the consequential sending away of its employees were before their minds and that is the reason why they are very vociferous and those representations are moving our tears. If only some of the staff of the district boards know what we are proposing to do, perhaps their tears will be much more than the taluk board employees'.

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I do say that it will be very unfair and unjust to send away the staff of the district board in order to give employment to the staff of the taluk board. In fact, you will be robbing Peter and paying Paul. That will be the result of this amendment. There is another ground on which also I will put my view on this point. In the matter of retrenchment, the Government was acting on the principle that in sending away people it is the juniormost that ought to be sent away and the seniormost should always have preference. I do not know, Sir, whether that principle is a just or a sound one. That principle also ought not to be applied in that form without any kind of modification. The juniormost people have as much right to exist and their position is as miserable as that of the seniormost. That the juniormost men can find employment anywhere cannot be substantiated in the state of depression and unemployment that prevail at present. At least the seniormost men have had their days, and would have earned something, and laid something by. The juniormost people's position is very miserable. By this amendment, the juniormost both in the taluk and district boards will be thrown out of employment and their position will be one of extreme misery. Then I would also like to point out another aspect of the question, namely, the effect of the amendment on minority communities. I can very well say without fear of contradiction that so far as the minority communities are concerned, it is only very recently that minority communities have had occasion to get employment in either the taluk board or the district board. I do not deny that there are some members of minority communities in the senior ranks of the staff of the taluk board and the district board. But most of them are persons who have been recently employed both in the taluk board and district board. If this amendment is given effect to, the result will be that the members of the minority communities in both the taluk board and the district board will be very seriously affected and they will be nowhere either in the taluk board or in the district board. On these grounds, Sir, I oppose this amendment."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Mr. President, Sir, the existing presidents of the local boards and some of the ex-presidents have spoken in favour of this amendment. It falls to my lot to oppose this amendment. Before speaking against this amendment, I should trace how the scales of pay of taluk board staff have been increased during the last twelve years, ever since the Amendment Act of 1921 came into force. During these years, there have been four general elections of the taluk boards and you can take it from me that the scales of pay have been revised and enhanced at least on four occasions. If you take the scales of pay before 1921 the maximum was only Rs. 40, and in exceptional cases it was Rs. 50. The minimum pay was only Rs. 15 or Rs. 20. If you now take up the scales of pay, you will find that the maximum in most cases is more than Rs. 100 and I know so far as the taluk boards in Coimbatore district are concerned in some cases in addition to their pay they also draw personal allowances. As I told

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the House, the pay went on being enhanced and the taluk boards have come to grief on account of topheavy administration. If you want to perpetuate the same thing in the new boards, I am sure the scheme will be given the go-by and it will not be successful.

1 p.m. "Besides, I have got greater sympathy for the clerks in the lower scales. Those in the higher scale are senior people and their number is greater. Further, what will be the financial effect of this amendment should also be considered by the Council. A district board will have one head clerk on Rs. 150—200, two clerks on Rs. 80—100 or Rs. 120, etc. If this amendment is passed, you may have to take all the head clerks of the taluk boards into the district board, i.e., all the ten of them on Rs. 80 to Rs. 120."

Rao Bahadur A. T. PANNIRSELVAM:—"It was never my intention, in moving this amendment, that the hands of the Government should be tied with respect to the rates of pay. I am concerned only with the persons who will be thrown out."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"If the Government should get the local boards to revise the scales of pay and if lower scales are fixed, the result will be that people who are drawing higher scales of pay will get preference and those in the lower scales of pay—all the new men better qualified than the people in the higher scales of pay—will be thrown out. I do not think it is the intention of the House that the people who have been longer in service and have been enjoying larger emoluments should be given preference to people who have just entered service as members belonging to unrepresented communities. As I said, as against two people in the district board drawing Rs. 80 to Rs. 100 you will have to provide employment to ten people on Rs. 80 to Rs. 100. I may inform the House that in several taluk boards the lowest scale of pay for clerks is Rs. 40 to Rs. 60 as against Rs. 35—1½—50 in Government service. If this amendment is accepted, I am sure, the scheme adumbrated in the Bill will prove a failure on account of its financial implications. With these few words I oppose the amendment."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, with your permission, I beg to move the following as an amendment to the amendment of Mr. Pannirselvam:—

'Omit the words commencing from "such persons" in line 7 to "by the Local Government" in line 9 and substitute in its place "then if necessary retrenchment may be made in accordance with the principles laid down in G.O. No. 486, Public (Services), dated 31st March 1932, and allowing concessions as laid down in G.O. No. 124, Finance (Pension), dated 24th March 1932. The persons thrown out of employment shall", and

'Omit the words in line 11 and onwards "so long as such persons . . . for the posts."'

1st March 1934] [Mr. K. A. Nachiyappa Gounder]

The object of my first amendment is to see that no trouble and anxiety are evolved in or before framing rules and other things and that retrenchment may be made in accordance with the methods adopted by the Government for retrenchment in Government service. This will minimize the anxieties of many of the clerks now in employ of local boards since they know now itself what are the rules to be adopted to decide their fate. From the many representations that we have received from the employees of taluk boards we find that they will be satisfied if retrenchment is made on the principles laid down in the said Government Orders.

“As regards my second amendment I too feel, Sir, that there is some difficulty in it, but my object in moving it is to know what is the exact and precise meaning and implication of the term ‘continue to be qualified and suitable for the post.’ With regard to the office establishments of local boards, so far as I know, qualifications are prescribed only for the posts of managers, the head clerks and accountants and no separate qualification or any such thing is prescribed for the clerks. On a reference made to Government some time ago when I was connected with a taluk board as its vice-president the reply received was that no qualification is prescribed for clerks in local fund service. So, Sir, I am in doubt as to what is meant by the words ‘continue to be qualified and suitable for the post.’ If the intention is that this should apply only to persons such as accountants and so on for whom definite qualifications have been already prescribed, there would be no need for me to press this part of my amendment. But, if on the other hand, new qualifications are to be prescribed for the clerks who will be thrown out of employment and will be awaiting re-entertainment, and if those qualifications are to be insisted on in their cases, it will create great hardship for them and I will have to press this amendment.”

Mr. BASHEER AHMED SAYEED:—“Sir, I rise to second the amendment moved by my hon. Friend, Mr. Nachiyappa Gounder. This amendment has been moved with a view to secure the claims of persons who have already served for long in the taluk boards but are likely to be thrown out and also to secure the claims of representatives of minority communities who have entered service quite recently after some agitation in the public. Personally, I feel that Mr. Pannirselvam has not quite appreciated the implications involved in the amendment that he has moved. I think the amendment adopted by the Select Committee serves the purpose adequately. Now, if this amendment of his is to be accepted, it will give rise to a lot of complications. Moreover, I consider that there is no need for the time being for taking the entire establishment of the taluk boards as well as district board into a single unit. If difficulties arise, in this respect, in the working of the amended Act, it will be time enough for the Government to come forward with suggestions for taking the entire establishment as one unit for the purpose of fixing salaries, grades, number, etc. But, as it is, what the Council and the representatives

[Mr. Basheer Ahmed Sayeed] [1st March 1934]

of the people are anxious about is this: that such persons as are going to be thrown out of employment by reason of the abolition of the taluk boards should not be subjected to any unnecessary hardship if it can be helped.

"Now, as has been pointed out by the previous speaker the great difficulty will be that several people who have secured permanent tenure in the taluk board establishment will have to be sent out if there is no provision made for their retention. This is very important. With regard to the question of qualifications which was hotly discussed, I submit, Sir, that even though people at the time they were entertained were not qualified for employment, once they were entertained and made permanent, there is no reason why they should be sent home if they can be absorbed in the district board establishment. Sir, our foremost concern must be not to turn away people who have now certain rights which they can ask to be recognized by the district board which takes the place of the taluk boards. Then there are the claims of those communities which have not had adequate representation hitherto but which have had just now some justice done to them. Their cases should not be overlooked, nor should anything be done to prejudice their interests. These two points alone matter most at the present juncture in connexion with the amendment now under discussion. I would therefore say that the result of the amendment proposed by Mr. Pannirselvam is still in doubt."

* The Hon. the PRESIDENT:—"Mr. Nachiyappa Gounder's amendment is as follows:—

'Omit the words commencing from "such persons" in line 7 to "by the Local Government" in line 9 and *substitute* in its place "then if necessary retrenchment may be made in accordance with the principles laid down in G.O. No. 486, Public (Services), dated 31st March 1932, and allowing concessions as laid down in G.O. No. 124, Finance (Pension), dated 24th March 1932. The persons thrown out of employ shall," and to omit the words in line 11 and onwards "so long as such persons . . . for the posts.'

If the amendment of Mr. Nachiyappa Gounder is incorporated in the amendment of Mr. Pannirselvam it will read thus:

'The officers and servants of the taluk and district boards in each district, shall, at the commencement of this Act, be deemed to belong to a single district establishment for the purpose of fixing, under the provisions of sub-section (3) of section 67 of this Act, the number, designations and grades of the officers and servants of the district board or boards reconstituted in each district and then, if necessary, retrenchment may be made in accordance with the principles laid down in G.O. No. 486, Public (Services), dated 31st March 1932, and allowing concessions as laid down in G.O. No. 124, Finance (Pension), dated 24th March 1932. The persons thrown out of employment shall have preference in future appointments under the district and panchayat boards.'

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Rao Bahadur A. T. PANNIRSELVAM:—"I have certainly no objection, Mr. President, to agree to the principle underlying the amendment. I agree that, as far as possible, in sending out these persons who will have to go by reason of the reduction of staff, the principles of the Government Order governing retrenchment might be applied. But, I think, the words 'subject to such directions as may be issued by the Local Government' occurring in my amendment should be retained. I should also not be able to agree to the last two lines, viz., 'so long as such persons desirous of such preference are available and continue to be qualified and suitable for the posts' being deleted. I am not also able to agree to the control which the Government would retain under this, because, whatever proposals might emanate, it is best for the Government to accept one policy for the whole Province and give detailed instructions. I know it will be difficult to work out details for every district, but I think the situation requires one controlling and central authority who will issue specific instructions to govern every case in every district. And if Mr. Nachiyappa Gounder agrees to that, I would be only too glad to accept his amendment."

The Hon. the RAJA OF BOBBILI:—"Am I to speak on the amendment of Mr. Nachiyappa Gounder or on both the amendments, Sir?"

* The Hon. the PRESIDENT:—"On both the amendments if he likes pleases. Or if the Hon. the Minister wishes to speak after lunch, he may do so."

The Hon. the RAJA OF BOBBILI:—"Yes, I shall speak after lunch."

* The Hon. the PRESIDENT:—"The House will now adjourn and reassemble after lunch at 2-30 p.m."

After Lunch (2-30 p.m.)

II.—AMENDMENTS TO STANDING ORDER No. 80 OF THE MADRAS LEGISLATIVE COUNCIL.

* The Hon. the PRESIDENT:—"I have to announce that the following candidates have been duly nominated for election to the Select Committee to amend Standing Order No. 80:—

- (1) Dr. P. Subbarayan.
- (2) Mr. K. P. Raman Menon.
- (3) Mr. J. K. Metherell.
- (4) The Hon. the Raja of Bobbili.
- (5) The Hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.
- (6) Rao Bahadur C. Natesa Mudaliyar.

"As the number of candidates nominated for election is equal to the number of vacancies to be filled, namely, six, I hereby declare the abovementioned members to be duly elected under Regulation II (4) of the regulations for the holding of elections by means of the single transferable vote.